

REMARKS

Claims 1-4 are pending. Claims 1-4 stand rejected under 35 U.S.C. 112. Applicant believes that the amendment submitted herein removes all the material that the Examiner objected to under 35 U.S.C. 112.

However, Applicant is also aware that this also removes the basis for which Examiner withdrew the earlier rejection of claim 1 as anticipated by Berchtold (5303549). Applicant therefore wishes to address the earlier rejection by traverse of Examiner's reading of the word "fluid" in the Berchtold (5303549) claims, and by amendment to the claims to further differentiate the instant application from the claims of Berchtold (5303549).

Examiner has argued that the meaning of Berchtold (5303549)'s use of "fluid" in the claims is that all fluids must be covered a priori. However, there are clearly fluids that are not useable in the disclosed equipment in any meaningful way. Two examples might be salt water, which would be unuseable due to corrosion and solids precipitation, and body fluids, where out-gassing and viscous shear limitations would prevent the disclosed equipment from functioning in the manner intended. Of course, no one has seriously advocated use of these fluids in this equipment. The point that Applicant is attempting to make is that the broadest common meaning of the term "fluid" is so all-encompassing as to be unworkable in interpreting Berchtold (5303549)'s claims.

Applicant submits that the meaning of the term "fluid" in the Berchtold (5303549) claims must be found in the Berchtold (5303549) specification. In that specification, the only reference to a specific "fluid" is to hydraulic fluid. Applicant finds no discussion of embodiments using alternative fluids, and no suggestion that other fluids can be substituted.

Applicant respectfully submits that the pneumatic limitation of the instant application is a meaningful differentiation from Berchtold (5303549) and is not covered by anticipation.

Cobb (3894476) has been referred to by the Examiner as disclosing a pneumatic system for lifting, and might appear to support an obviousness rejection when combined with Berchtold (5303549). However, Applicant submits that a suggestion to combine is not present and the instant application contains elements and limitations, as discussed below, which are not present in Berchtold (5303549) in view of Cobb (3894476).

Claims 1-4 have also been amended to place the claims in condition for allowance by further clarifying the differences of the instant application from Berchtold (5303549). Specifically, the amended claims are drawn to a linear motor having a permanent magnet

stator core and other distinctive features. In contrast, Berchtold (5303549) has a conventional rotating motor, with a rotating core, driving a ball screw. The instant amended claims also include a digital linear array indicating the linear position of said moving coil to a feedback system. These elements and these limitations are not present in Berchtold (5303549).

Applicant submits that the amendments herein are clarifications of material already present, or inherent, in the original specification and do not constitute new material. Specifically, the nature of the motor, which is described in the original specification in terms of vertical movement, is inherently a linear motor, oriented in a vertical direction, as in Figure 2. This inherent nature in the original specification is supported by the inclusion [pg 3 line 23] of a "linear array of digits 114 for indicating the vertical position of the electric coil" with the motor in a vertical orientation. The fact that the motor is capable only of linear motion is also shown in Figure 2, where the moving coil and its inner support are clearly rectangular in cross-section and, while allowing linear motion, are therefore incapable of rotating motion relative to each other. Finally, Figures 1 & 2 also show that the ferromagnetic inner support 112 for the moving coil is fixedly attached to the support structure and may be properly described as a permanent magnet stator core.

Applicant respectfully submits that the amended claims of the instant application are not anticipated by, or obvious from, Berchtold (5303549) and are in condition for allowance.

#### CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 859-9460.

Respectfully submitted,



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